21.

S.B. CIVIL WRIT PETITION NO.6402/2005.
Abdul Hameed Vs. State & Ors.

Date of Order :: 18th September 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Anurag Shukla for
Mr. Tribhuvan Gupta, for the petitioner.
Mr. Rameshwar Dave, Dy.G.A., for the respondents.

....

BY THE COURT:

Learned counsel appearing for the petitioner frankly submits that the principal relief prayed for in this writ petition regarding payment of subsistence allowance during the period of suspension no longer survives for the respondents having made payment of subsistence allowance for the suspension period; and for the respondents also having revoked the suspension.

However, learned counsel feebly attempted to submit that the payment of subsistence allowance was unnecessarily delayed and, therefore, the petitioner be allowed interest for the delayed payment. Learned Deputy Government Advocate Mr. Rameshwar Dave refuted such assertions with the contention that during the suspension period, the petitioner was required to mark his attendance at Headquarters and to submit the relevant documents but he did not mark his

attendance at Headquarters nor submitted the requisite documents till filing of the reply in this writ petition.

Having examined the matter in its totality, this Court is satisfied that no case is made out for allowing interest to the petitioner particularly when there is no material on record to definitely come to the conclusion that only the respondents are responsible for such delay in payment and that they intentionally caused such delay.

The writ petition is otherwise rendered infructuous and is, therefore, dismissed as such.

(DINESH MAHESHWARI), J.

Mohan/